

SH2302529

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Consolidated Criminal History Printouts for the three suspects.

# Los Angeles County Sheriff's Department

## Officer Involved Shooting

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|   |             |  |      |  |   |
|---|-------------|--|------|--|---|
| Report Date: <b>10/08/13</b>  |             | Bureau/Station/Facility: <b>East Los Angeles Station</b>   |      | Admin. Invest. <input type="checkbox"/> Hit? <input type="checkbox"/>  |   |
| <b>Incident Information</b>   |             |  |      |  |   |
| URN: <b>N/A</b>   |             | Date: <b>12/05/2011</b>  |      | Time: <b>2100 hours</b>  |   |
| City or Station: <b>Van Nuys</b>  |             | Nature of Incident:<br><b>Employee was involved in a traffic collision. When second vehicle fled the scene, employee followed to obtain that vehicle's license plate. Employee fired one shot towards the threatening occupants.</b>   |      |  |   |
| Location:<br><b>5800 Block of Vesper Avenue</b>   |             |  |      |  |   |
| Location Type (check one or more):<br><input type="checkbox"/> Backyard<br><input type="checkbox"/> Beach<br><input type="checkbox"/> Business<br><input type="checkbox"/> Freeway<br><input type="checkbox"/> Industrial<br><input type="checkbox"/> Park<br><input type="checkbox"/> Parking Lot<br><input type="checkbox"/> Residence<br><input type="checkbox"/> Rural<br><input type="checkbox"/> School<br><input checked="" type="checkbox"/> Street<br>Other:   |             | Lighting (check only one):<br><input checked="" type="checkbox"/> Darkness<br><input type="checkbox"/> Daylight<br><input type="checkbox"/> Other<br><input type="checkbox"/> Street Lights<br><br>Weather (circle only one):<br><input checked="" type="checkbox"/> Clear<br><input type="checkbox"/> Cloudy<br><input type="checkbox"/> Fog<br><input type="checkbox"/> Rain<br><br>Distance:<br><b>approx. 20-30 feet</b> |      | Incident Type (check one or more):<br><input type="checkbox"/> Accidental<br><input type="checkbox"/> Armed Person<br><input type="checkbox"/> Fleeing Suspect<br><input type="checkbox"/> Foot Pursuit<br><input type="checkbox"/> Gun Take Away<br><input type="checkbox"/> Moving Vehicle<br><input type="checkbox"/> Sniper/Ambush<br><input type="checkbox"/> Startle<br><input type="checkbox"/> Struggle Involved<br><input type="checkbox"/> Traffic Stop<br><input type="checkbox"/> Unarmed Person<br><input type="checkbox"/> Unintentional<br><input type="checkbox"/> Vehicle Pursuit<br><input type="checkbox"/> Warrant Service<br><input type="checkbox"/> Warning Shot<br>Other: <b>UT clarify w/ emp. #1</b> |   |
| Initiated by (check only one):<br><input type="checkbox"/> Arrest Warrant<br><input type="checkbox"/> Call<br><input type="checkbox"/> Observation<br><input type="checkbox"/> One Person Unit<br><input checked="" type="checkbox"/> Other<br><input type="checkbox"/> Search Warrant<br><input type="checkbox"/> Two Person Unit<br><br>Prior Activity (check only one):<br><input type="checkbox"/> Detective<br><input type="checkbox"/> Inmate Transport<br><input checked="" type="checkbox"/> Other<br><input type="checkbox"/> Routine Patrol |             | Aero Unit? <input type="checkbox"/> Canine Unit? <input type="checkbox"/>  |      |  |   |
| Total # of Shots Fired by Deputy<br><b>1</b>  |             | Total # of Shots Fired by Suspect<br><b>0</b>  |      |  |   |
| <b>Employee Witnesses</b>   |             |  |      |  |   |
| Employee #  | Last Name   | First Name   | M.I. | ShiftTime (check only one):<br><input type="checkbox"/> EM <input type="checkbox"/> PM <input type="checkbox"/> Day  | ShiftType (check only one):<br><input type="checkbox"/> Regular <input type="checkbox"/> Overtime <input type="checkbox"/> Off Duty |
| Employee #  | Last Name   | First Name   | M.I. | ShiftTime (check only one):<br><input type="checkbox"/> EM <input type="checkbox"/> PM <input type="checkbox"/> Day  | ShiftType (check only one):<br><input type="checkbox"/> Regular <input type="checkbox"/> Overtime <input type="checkbox"/> Off Duty |
| Employee #  | Last Name   | First Name   | M.I. | ShiftTime (check only one):<br><input type="checkbox"/> EM <input type="checkbox"/> PM <input type="checkbox"/> Day  | ShiftType (check only one):<br><input type="checkbox"/> Regular <input type="checkbox"/> Overtime <input type="checkbox"/> Off Duty |
| <b>Non-Employee Witnesses</b>   |             |  |      |  |   |
| Last Name   |             | First Name   |      | M.I.   |   |
| Street Address  |             | City   |      | Zip Code   |   |
| Last Name   |             | First Name   |      | M.I.   |   |
| Street Address  |             | City   |      | Zip Code   |   |
| Last Name   |             | First Name   |      | M.I.   |   |
| Street Address  |             | City   |      | Zip Code   |   |
| <b>Supervisors</b>  |             |  |      |  |   |
| Employee #  | Last Name   | First Name   | M.I. | (check one or more):<br><input type="checkbox"/> On Duty <input type="checkbox"/> Witness to shooting<br><input type="checkbox"/> Present during shooting <input type="checkbox"/> Involved in shooting  |   |
| Employee #  | Last Name   | First Name   | M.I. | (check one or more):<br><input type="checkbox"/> On Duty <input type="checkbox"/> Witness to shooting<br><input type="checkbox"/> Present during shooting <input type="checkbox"/> Involved in shooting  |   |
| <b>Watch Sergeant</b>   |             |  |      |  |   |
| Employee #  | Last Name   | First Name   |      | M.I.   |   |
| <b>Watch Commander</b>  |             |  |      |  |   |
| Employee #  | Last Name   | First Name   |      | M.I.   |   |
|   | <b>Carr</b> | <b>Timothy</b>   |      | <b>D.</b>  |   |

|                      |                |
|----------------------|----------------|
| <b>PSTD Use Only</b> |                |
| SH #                 | <b>2302529</b> |

# Officer Involved Shooting Involved Employee Information

URN: NIA

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| Involved Employee  |                |  |  |   |                            |  |  |                                       |  |
|--|----------------|--|--|---|----------------------------|--|--|---------------------------------------|--|
| <b>E 1</b>   | Employee #     | Last Name<br><b>Esperanza</b>  |  |   | First Name<br><b>Marco</b> |  |  | M.I.<br><b>A.</b>                     |  |
| Sex: <b>M</b>  | Race: <b>F</b> | Rank:<br><b>Reserve Deputy</b>   |  | Unit Assignment:<br><b>East Los Angeles</b>   |                            | Work Assignment (Unit #, Module, etc.):<br><b>Off Duty</b> |  |                                       |  |
| ShiftTime (circle only one):<br><input type="checkbox"/> EM <input type="checkbox"/> PM <input type="checkbox"/> Day |                | ShiftType (circle only one):<br><input type="checkbox"/> Regular <input type="checkbox"/> Overtime <input type="checkbox"/> Off Duty |  | Intoxication/Drug Usage? <input type="checkbox"/>   |                            | Substance Used:  |  |                                       |  |
| Hospital Admission? <input type="checkbox"/>   |                | Hospital Name:   |  | Coroner Case? <input type="checkbox"/>  |                            | Coroner Case #   |  | Interviewed? <input type="checkbox"/> |  |
| Hrs of sleep prior to shooting:<br><b>unk</b>  |                | Duty Time (hrs):   |  | Clothing (circle only one):<br><input checked="" type="checkbox"/> Plain Clothes no Vest <input type="checkbox"/> Plain Clothes w/ Vest <input type="checkbox"/> Raid Jacket no Vest <input type="checkbox"/> Raid Jacket w/ Vest |                            | Other Factors:   |  |                                       |  |
| Age: <b>505</b>  |                | Height: <b>175</b>   |  | Weight:   |                            |  |  |                                       |  |
| Range Qualification Date:  |                | PPC Qualification Date:  |  | Laser Training Date:  |                            |  |  |                                       |  |
| Certified with Weapon Used? <input type="checkbox"/>   |                | Patrol Certification? <input type="checkbox"/>   |  | Certification Unit:   |                            | Prior Shootings? <input type="checkbox"/>                  |  | Number of Prior Shootings:            | Directed Force: <input type="checkbox"/> |
| Weapons Fired Brand: <b>Smith &amp; Wesson</b>   |                | Caliber: <b>.38</b>  |  | # Shots: <b>1</b>   |                            | Weapons Fired Brand:                                       |  | Caliber:                              | # Shots:                                 |
| Field Training Officer Emp #   |                | Last Name  |  | First Name  |                            | M.I.   |  |                                       |  |
| Field Training Officer Emp #   |                | Last Name  |  | First Name  |                            | M.I.   |  |                                       |  |
| <b>E</b>   | Employee #     | Last Name  |  |   | First Name                 |  |  | M.I.                                  |  |
| Sex:   | Race:          | Rank:  |  | Unit Assignment:  |                            | Work Assignment (Unit #, Module, etc.):                    |  |                                       |  |
| ShiftTime (circle only one):<br><input type="checkbox"/> EM <input type="checkbox"/> PM <input type="checkbox"/> Day |                | ShiftType (circle only one):<br><input type="checkbox"/> Regular <input type="checkbox"/> Overtime <input type="checkbox"/> Off Duty |  | Intoxication/Drug Usage? <input type="checkbox"/>   |                            | Substance Used:  |  |                                       |  |
| Hospital Admission? <input type="checkbox"/>   |                | Hospital Name:   |  | Coroner Case? <input type="checkbox"/>  |                            | Coroner Case #   |  | Interviewed? <input type="checkbox"/> |  |
| Hrs of sleep prior to shooting:  |                | Duty Time (hrs):   |  | Clothing (circle only one):<br><input type="checkbox"/> Plain Clothes no Vest <input type="checkbox"/> Plain Clothes w/ Vest <input type="checkbox"/> Raid Jacket no Vest <input type="checkbox"/> Raid Jacket w/ Vest            |                            | Other Factors:   |  |                                       |  |
| Age:   |                | Height:  |  | Weight:   |                            |  |  |                                       |  |
| Range Qualification Date:  |                | PPC Qualification Date:  |  | Laser Training Date:  |                            |  |  |                                       |  |
| Certified with Weapon Used? <input type="checkbox"/>   |                | Patrol Certification? <input type="checkbox"/>   |  | Certification Unit:   |                            | Prior Shootings? <input type="checkbox"/>                  |  | Number of Prior Shootings:            | Directed Force: <input type="checkbox"/> |
| Weapons Fired Brand:   |                | Caliber:   |  | # Shots:  |                            | Weapons Fired Brand:                                       |  | Caliber:                              | # Shots:                                 |
| Field Training Officer Emp #   |                | Last Name  |  | First Name  |                            | M.I.   |  |                                       |  |
| Field Training Officer Emp #   |                | Last Name  |  | First Name  |                            | M.I.   |  |                                       |  |
| <b>E</b>   | Employee #     | Last Name  |  |   | First Name                 |  |  | M.I.                                  |  |
| Sex:   | Race:          | Rank:  |  | Unit Assignment:  |                            | Work Assignment (Unit #, Module, etc.):                    |  |                                       |  |
| ShiftTime (circle only one):<br><input type="checkbox"/> EM <input type="checkbox"/> PM <input type="checkbox"/> Day |                | ShiftType (circle only one):<br><input type="checkbox"/> Regular <input type="checkbox"/> Overtime <input type="checkbox"/> Off Duty |  | Intoxication/Drug Usage? <input type="checkbox"/>   |                            | Substance Used:  |  |                                       |  |
| Hospital Admission? <input type="checkbox"/>   |                | Hospital Name:   |  | Coroner Case? <input type="checkbox"/>  |                            | Coroner Case #   |  | Interviewed? <input type="checkbox"/> |  |
| Hrs of sleep prior to shooting:  |                | Duty Time (hrs):   |  | Clothing (circle only one):<br><input type="checkbox"/> Plain Clothes no Vest <input type="checkbox"/> Plain Clothes w/ Vest <input type="checkbox"/> Raid Jacket no Vest <input type="checkbox"/> Raid Jacket w/ Vest            |                            | Other Factors:   |  |                                       |  |
| Age:   |                | Height:  |  | Weight:   |                            |  |  |                                       |  |
| Range Qualification Date:  |                | PPC Qualification Date:  |  | Laser Training Date:  |                            |  |  |                                       |  |
| Certified with Weapon Used? <input type="checkbox"/>   |                | Patrol Certification? <input type="checkbox"/>   |  | Certification Unit:   |                            | Prior Shootings? <input type="checkbox"/>                  |  | Number of Prior Shootings:            | Directed Force: <input type="checkbox"/> |
| Weapons Fired Brand:   |                | Caliber:   |  | # Shots:  |                            | Weapons Fired Brand:                                       |  | Caliber:                              | # Shots:                                 |
| Field Training Officer Emp #   |                | Last Name  |  | First Name  |                            | M.I.   |  |                                       |  |
| Field Training Officer Emp #   |                | Last Name  |  | First Name  |                            | M.I.   |  |                                       |  |

# Officer Involved Shooting Suspect Information

URN:

N/A

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| Suspect Information |               |  |                    |                           |  |        |                   |       |   |  |
|---------------------|---------------|--|--------------------|---------------------------|--|--------|-------------------|-------|---|--|
| S 1                 | Last Name     |  |                    | Stark (driver)            |  |        | First Name        |       | Cody  |  |
|                     | M.I.          |  |                    | W.                        |  |        |                   |       |   |  |
|                     | AKA Last Name |  |                    |                           |  |        | First Name        |       | M.I.  |  |
|                     | Sex: M        |  |                    | Race: White               |  |        | Street Address:   |       | City  |  |
|                     | Work Phone:   |  |                    | Home Phone:               |  |        | Social Security # |       | Driver's License #                                |  |
|                     | Age: 25       |  |                    | D.O.B. 03/19/88           |  |        | Height: 602       |       | Weight: 225                                       |  |
|                     | FBI #         |  |                    | CII #                     |  |        |                   |       |   |  |
|                     | Booking #     |  |                    | N/A                       |  |        | Primary Charge:   |       | Secondary Charge:                                 |  |
|                     | Coroner Case? |  |                    | <input type="checkbox"/>  |  |        | Coroner Case #    |       | Intoxication/Drug Usage? <input type="checkbox"/> |  |
|                     | Armed?        |  |                    | <input type="checkbox"/>  |  |        | Apprehended?      |       | <input type="checkbox"/>                          |  |
| Vehicle Make        |               |  | Honda              |                           |  | Model: |                   | Civic |   |  |
| Year:               |               |  | 1993               |                           |  |        |                   |       |   |  |
| S 2                 | Last Name     |  |                    | De Paz (front passenger)  |  |        | First Name        |       | Ricky   |  |
|                     | M.I.          |  |                    |                           |  |        |                   |       |   |  |
|                     | AKA Last Name |  |                    | Banuelos                  |  |        | First Name        |       | M.I.  |  |
|                     | Sex: M        |  |                    | Race: Hispanic            |  |        | Street Address:   |       | City  |  |
|                     | Work Phone:   |  |                    | N/A                       |  |        | Home Phone:       |       | Social Security #                                 |  |
|                     | Age: 22       |  |                    | D.O.B. 04/08/91           |  |        | Height: 506       |       | Weight: 245                                       |  |
|                     | FBI #         |  |                    | CII #                     |  |        |                   |       |   |  |
|                     | Booking #     |  |                    | N/A                       |  |        | Primary Charge:   |       | Secondary Charge:                                 |  |
|                     | Coroner Case? |  |                    | <input type="checkbox"/>  |  |        | Coroner Case #    |       | Intoxication/Drug Usage? <input type="checkbox"/> |  |
|                     | Armed?        |  |                    | <input type="checkbox"/>  |  |        | Apprehended?      |       | <input type="checkbox"/>                          |  |
| Vehicle Make        |               |  | Same as suspect #1 |                           |  | Model: |                   | Year: |   |  |
| S 3                 | Last Name     |  |                    | Banuelos (rear passenger) |  |        | First Name        |       | Kristy  |  |
|                     | M.I.          |  |                    | A.                        |  |        |                   |       |   |  |
|                     | AKA Last Name |  |                    |                           |  |        | First Name        |       | M.I.  |  |
|                     | Sex: F        |  |                    | Race: Hispanic            |  |        | Street Address:   |       | City  |  |
|                     | Work Phone:   |  |                    | N/A                       |  |        | Home Phone:       |       | Social Security #                                 |  |
|                     | Age: 26       |  |                    | D.O.B. 08/18/87           |  |        | Height: 503       |       | Weight: 95  |  |
|                     | FBI #         |  |                    | CII #                     |  |        |                   |       |   |  |
|                     | Booking #     |  |                    | N/A                       |  |        | Primary Charge:   |       | Secondary Charge:                                 |  |
|                     | Coroner Case? |  |                    | <input type="checkbox"/>  |  |        | Coroner Case #    |       | Intoxication/Drug Usage? <input type="checkbox"/> |  |
|                     | Armed?        |  |                    | <input type="checkbox"/>  |  |        | Apprehended?      |       | <input type="checkbox"/>                          |  |
| Vehicle Make        |               |  | Same as suspect #1 |                           |  | Model: |                   | Year: |   |  |
| S                   | Last Name     |  |                    |                           |  |        | First Name        |       | M.I.  |  |
|                     | AKA Last Name |  |                    |                           |  |        | First Name        |       | M.I.  |  |
|                     | Sex:          |  |                    | Race:                     |  |        | Street Address:   |       | City  |  |
|                     | Work Phone:   |  |                    | Home Phone:               |  |        | Social Security # |       | Driver's License #                                |  |
|                     | Age:          |  |                    | D.O.B.:                   |  |        | Height:           |       | Weight:   |  |
|                     | FBI #         |  |                    | CII #                     |  |        |                   |       |   |  |
|                     | Booking #     |  |                    |                           |  |        | Primary Charge:   |       | Secondary Charge:                                 |  |
|                     | Coroner Case? |  |                    | <input type="checkbox"/>  |  |        | Coroner Case #    |       | Intoxication/Drug Usage? <input type="checkbox"/> |  |
|                     | Armed?        |  |                    | <input type="checkbox"/>  |  |        | Apprehended?      |       | <input type="checkbox"/>                          |  |
|                     | Vehicle Make  |  |                    |                           |  |        | Model:            |       | Year:   |  |

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| (RM)           | Refused Med Treatment | (SR) | Shoulder      |
|----------------|-----------------------|------|---------------|
| (NN)           | NONE                  | (WR) | Wrist         |
| <b>Caliber</b> |                       |      |               |
| (9)            | 9 mm                  | (24) | .243 caliber  |
| (10)           | 10 mm                 | (25) | .25 caliber   |
| (12)           | 12 gauge              | (30) | .308 caliber  |
| (20)           | 20 gauge              | (35) | .357 caliber  |
| (21)           | .22-250               | (36) | 30-60 caliber |
| (22)           | .22 caliber           | (38) | .38 caliber   |
| (23)           | .223 caliber          | (40) | .40 caliber   |
|                |                       | (41) | .410 gauge    |
|                |                       | (44) | .44 caliber   |
|                |                       | (45) | .45 caliber   |
|                |                       | (50) | 50 mm         |
|                |                       | (SL) | Slug          |
|                |                       | (WW) | Other caliber |

See Front Side

## **INVESTIGATIVE SUMMARY**



**COUNTY OF LOS ANGELES  
SHERIFF'S DEPARTMENT**

**DEPUTY INVOLVED NON-HIT SHOOTING**

**UNIT:** East Los Angeles Station  
**DATE:** December 5, 2011, Monday  
**TIME:** 2100 hours  
**LOCATION:** 5800 Block of Vesper Avenue, Van Nuys, California 91401  
**URN#:** N/A  
**LAPD DR#:** 110911502  
**IAB#:** SH2302529

**Opening Statement**

Internal Affairs Bureau Lieutenant [REDACTED] along with Sergeants Sonja Bracken and Brenda Parker, responded to the 5800 block of Vesper Avenue in Van Nuys, where Reserve Deputy Marcos Esperanza had been involved in an off-duty non-hit shooting. Investigators were given a briefing by Homicide detectives regarding the incident. Sergeant Sonja Bracken was assigned the Shooting Review.

**IAB Note:** Prior to this incident, Esperanza was employed as a deputy sheriff with the Department from January 28, 2000 until August 1, 2008.

**Synopsis**

At approximately 2100 hours, Deputy Esperanza (driver) and Witness [REDACTED] (front passenger) were stopped for a red light at northbound Van Nuys Boulevard at Burbank Boulevard in the number two lane. The suspects' vehicle pulled up next to them in the number one lane of traffic and stopped. The occupants of the suspects' vehicle; Suspect #1- Cody Stark, Suspect #2- Ricky Banuelos (De Paz) and Suspect #3- Kristy Banuelos, began yelling unknown remarks at Esperanza and [REDACTED] while appearing to hold up gang type signs with their hands. Esperanza attempted to avoid confrontation by letting the suspects' vehicle drive away ahead of them once the traffic light turned green.

The traffic light turned green and both vehicles proceeded through the intersection. Both vehicles were passing through the intersection when the suspects' vehicle deliberately moved into the number two lane directly in front of Esperanza's vehicle and abruptly stopped. Esperanza immediately saw the reverse lights of the suspects' vehicle illuminate and the vehicle began accelerating in reverse. Fearing the driver suspect was going to ram his vehicle, Esperanza took evasive action by turning his vehicle to the left, as he accelerated around the suspect vehicle. The suspects' vehicle struck Esperanza's rear bumper, causing it to be torn off.



The suspects' vehicle then accelerated north on Van Nuys Boulevard and turned west on Hatteras Street. Esperanza followed the vehicle in an attempt to document the suspects' vehicle license plate. At this time, the suspects' vehicle turned north on Vesper Avenue and turned the vehicle lights off. Esperanza turned on his vehicle high beams in order to illuminate the suspects' license plate. After a short distance, the suspect vehicle veered into the front yard of [REDACTED] Vesper Avenue and stopped partially on the lawn. Esperanza immediately stopped his vehicle on the dimly lit street and saw all three suspects exit their vehicle and begin running towards them. The two males, Stark and R. Banuelos, approached on the driver's side of Esperanza's vehicle while the female, K. Banuelos, approached on the passenger's side. As R. Banuelos neared the front left portion of his vehicle, Esperanza could see he was holding a dark object in his hand and saw what appeared to be a knife in Stark's hand. Fearing for his safety and the safety of his passenger, Esperanza placed his revolver up and out of the open portion of his driver's side window and fired one shot. This action caused both suspects to flee from his vehicle.

Esperanza immediately drove north on Vesper Avenue and, while looking at his rearview mirror, he saw all three suspects run back to their vehicle and flee south on Vesper Avenue. [REDACTED] dialed 911 on his cellphone and advised an LAPD dispatcher of the shooting. Shortly thereafter, Esperanza drove to LAPD's Van Nuys Division a few blocks away.

#### **INVOLVED PERSONNEL**

**Esperanza, Marco**, Reserve Deputy Sheriff # [REDACTED]  
Central Patrol Division  
East Los Angeles Station

#### **Work History (Deputy Sheriff)**

Date of Employment: 08/05/1999 through 08/01/2008

Date Assigned to patrol: [REDACTED]

Date Completed Patrol Training: [REDACTED]

Prior Shooting Incidents: [REDACTED]

Prior Founded Force Incidents: [REDACTED]

PPC Qualification Date: [REDACTED]

Laser Training Date: [REDACTED]

### **Work History (Reserve Deputy)**

Date of Employment: 03/27/2009 through 10/21/2013  
Date Assigned to patrol: 03/27/2009 @ East Los Angeles Station  
Date Completed Patrol Training: [REDACTED]  
Prior Shooting Incidents: [REDACTED]  
Prior Founded Force Incidents: [REDACTED]  
PPC Qualification Date: [REDACTED]  
Laser Training Date: [REDACTED]

### **Suspects**

Stark, Cody MW/03-19-88  
[REDACTED]

Ricky Banuelos (De Paz) MH/04-08-91  
[REDACTED]

Kristy Banuelos FH/08-18-87  
[REDACTED]

### **Sworn Witnesses**

None

### **Civilian Witness**

[REDACTED] MO  
[REDACTED]

[REDACTED] FW/A  
[REDACTED]

(Refer to LAPD criminal report, Exhibit A, page 9)

### **INJURIES/PROPERTY DAMAGE**

Other than the damage to Deputy Esperanza's vehicle, there were no injuries or reported property damage as a result of this incident.

## PHYSICAL EVIDENCE

None

## WEAPON USED BY DEPUTY PERSONNEL

Esperanza, Marco, Reserve Deputy

**Off-Duty Weapon:** Department authorized personal Smith and Wesson .38 caliber, 2", Air Weight, 5 shot revolver, serial number [REDACTED] (Was not certified to carry)

**Ammunition:** Speer, .38 caliber, SPL+P, semi jacketed

**Date last qualified:** 06/01/11 (with Beretta 9MM 92FS)

## WEAPONS USED BY SUSPECTS

None were located at the scene.

## CRIMINAL INVESTIGATION

The criminal investigation was handled by LAPD's Robbery Homicide Division Detectives [REDACTED] and [REDACTED]. Copies of LAPD's criminal reports are contained in **Exhibits A and D** (Note: The LAPD reports, criminal filing and district attorney's charge evaluation worksheet were placed in chronological order by date in this case). Detective [REDACTED] presented the criminal case with the charge of Assault with a Deadly Weapon, 245(a)(1) P.C., against Esperanza to the District Attorney's Justice System Integrity Division for filing consideration in April 2012. On May 30, 2012, the case was declined for lack of sufficient evidence, **refer to Exhibit B**. On June 28, 2012, the charge of 20002(A) V.C. against Stark was declined for lack of sufficient evidence, **refer to Exhibit C**.

**IAB Note:** The LAPD reports included with this case are numbered at the top of the pages.

## LIGHTING AND WEATHER CONDITIONS

The incident occurred during night time hours. There were no street lights located in the area where Esperanza fired his weapon. The only illumination was Esperanza's vehicle headlights (high beams) and partial lighting from neighborhood porch lights. The weather was fair, crisp and clear, with no precipitation.

## **INVOLVED EMPLOYEE STATEMENTS**

Esperanza and [REDACTED] were not interviewed by Internal Affairs Bureau investigators on the date of the incident. Their statements were taken by LAPD investigators for criminal investigation purposes. Both their statements were essentially the same as the above synopsis on pages 1 and 2 of this report.

While on the walk through at the scene of the incident, Esperanza told investigators he fired one round in the air above the suspects to scare them away. On the LAPD report, he said he intentionally fired his weapon "in an upward direction intentionally over the shoulder of the passenger," which was determined to be Suspect #2- R. Banuelos, refer to **Exhibit A, Initial report, page 2.**

In a Department memo, dated December 10, 2011, Esperanza wrote that he "fired one round at both males in order to stop their attack on me and to protect my life," refer to **Exhibit E, page 2.**

Esperanza took two approved Leaves of Absences (360 days) from July 30, 2012 to January 30, 2013, and from April 1, 2013 to September 1, 2013. The IAB investigator's attempts to interview him in between those dates were unsuccessful, refer to investigator's log. Due to Esperanza's unavailability, the IAB investigator was unable to clarify whether or not he fired a warning shot or an intentional shot at the suspects.

**IAB Note: This IAB investigator spoke with Deputy Cornelius Healy, the East Los Angeles Station Reserve Coordinator. He was also unable to contact Esperanza. Esperanza did not attend a mandatory reserve deputy meeting on October 1, 2013, and he did not contact Healy to advise him of his whereabouts.**

**Deputy Healy had already collected Esperanza's county issued weapon prior to his second leave of absence. Healy coordinated with the Reserve Forces Bureau to remove Esperanza from the Department. Final separation documents will not be completed until the remainder of Esperanza's equipment is collected; however, according to the Employee Information System and the personnel assignment card, Esperanza is listed as out-of-service/terminated, refer to the Miscellaneous section of this case for those documents.**

## **WITNESS STATEMENT**

On May 24, 2012, Witness [REDACTED] was interviewed by Sergeant Bracken at his place of business. He said that on the night of this incident he and Esperanza went jogging at a local park and had stopped for a bite to eat afterwards. Once they finished eating, Esperanza drove north on Van Nuys Boulevard. As they were stopped at a red light in the number two lane of Van Nuys Boulevard at Burbank Boulevard, the suspects' vehicle stopped beside them in the number one lane. The occupants of that vehicle were screaming and yelling unknown statements at them. They appeared to be gang members and he believed they may have mistaken them for rival gang members.

Esperanza told him he was going to let the suspects' vehicle go ahead of them once the light turned green. [REDACTED] said the suspects' vehicle proceeded north on Van Nuys Boulevard ahead of them. Esperanza began to drive forward slowly when, suddenly, the suspects' vehicle swerved in front of them and stopped. The suspect vehicle's reverse lights came on and the vehicle began accelerating backwards towards them. Esperanza attempted to avoid a collision by driving left into the number one lane, but the suspects' vehicle struck the passenger side rear bumper of their vehicle, causing it to come off. The suspects then sped off north on Van Nuys Boulevard.

As they followed the suspects' vehicle, Esperanza told [REDACTED] to get the vehicle's license plate and to call the police. He did not have a pencil available so he was going to try and remember the license plate. He could not see the plate, so he told Esperanza to get closer. Esperanza followed the suspects' vehicle north onto Vesper Avenue where the vehicle stopped. [REDACTED] believed they stopped approximately two or three car lengths from the suspects' vehicle. [REDACTED] did not notice if the suspects' vehicle lights were turned off; he was focused on the license plate.

[REDACTED] said Stark, and the passengers, R. Banuelos and K. Banuelos, exited their vehicle and were aggressively running towards them. The female, K. Banuelos, struck the passenger side of Esperanza's vehicle with an unknown object, while Stark and R. Banuelos quickly approached the driver's side. R. Banuelos appeared to have removed a black object from his waistband with his right hand. At that point, [REDACTED] feared he was going to be shot and he ducked down behind the dashboard. He said the driver, Stark, had an unknown object in his hand as well. [REDACTED] was aware that Esperanza, being a reserve deputy, was possibly armed. He did not see Esperanza fire his weapon, but he heard the shot. He did not see what happened to the suspects after the shot was fired.

[REDACTED] continued to call the police as they proceeded to the corner of Vesper Avenue and Oxnard Boulevard to wait for LAPD. They then decided to proceed to LAPD's Van Nuys Station, which was nearby, to report the incident.

[REDACTED] did not believe that this was a road rage incident. He was glad he was with Esperanza because he would not have known what to do if he had been alone. He said his relationship with Esperanza makes him proud of the Sheriff's Department, as opposed to other agencies. The last time he knew of Esperanza's whereabouts was that he went to El Salvador for family reasons. Esperanza had asked him to keep his vehicle and motorcycle at his workplace. The only way he could contact him was via email and he had not received any emails from him at the time of this interview.

#### **CIVILIAN STATEMENTS**

Witness [REDACTED] did not see the shooting incident. After she heard one gunshot, she went to her front window and saw a black vehicle drive away north on Vesper Avenue. (Note: Deputy Esperanza's vehicle was dark green and there were no street lights in the area.) [REDACTED] then saw two other people run to a parked vehicle and also drive away north on Vesper Avenue. Refer to LAPD's criminal report, **Exhibit D, page 9.**

**IAB Note:** In his statement to LAPD investigators, Esperanza claimed the suspects' vehicle fled the scene south on Vesper Avenue after the shot was fired, Exhibit A, page 2 of the initial report. However, the suspects, as well as Witness [REDACTED] said the suspects' vehicle fled north on Vesper Avenue. I was unable to clarify this discrepancy with Esperanza due to his unavailability.

### **SUSPECT STATEMENTS**

Stark, R. Banuelos and K. Banuelos were interviewed by LAPD investigators. Their versions of events were essentially the same as one another. However, they all denied yelling at Esperanza while stopped at the red light on Van Nuys Boulevard. Stark and R. Banuelos claimed that Esperanza was either tailgating or playing "cat and mouse" with them which caused the traffic collision. They said Stark turned onto Vesper Avenue and stopped then they all exited their vehicle to check for any damage. As they were doing so, they saw Esperanza's vehicle pulling up behind them.

They all admitted approaching Esperanza's vehicle, but only R. Banuelos said they approached in an aggressive manner but believing they were going to exchange information with the other driver. K. Banuelos did not elaborate on her actions while at Esperanza's vehicle. R. Banuelos denied having anything in his hands.

R. Banuelos said that Stark may have had his driver's license out as he approached the vehicle and that K. Banuelos may have been acting aggressively on the other side of the vehicle. They all heard a gunshot and retreated in various directions. They all proceeded back to their vehicle and left the location north on Vesper Avenue.

Refer to LAPD's criminal reports, **Exhibits A and D for further details.**